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## Article IV Non-Public Signs in City Highway Right-Of-Way

[Adopted 2-18-2009 by Ord. No. 2009-1, effective 2-26-2009]

### § 152-31 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**NON-COMMERCIAL TEMPORARY SIGN** [Definition TBD]

### **RIGHT-OF-WAY**

Includes the entire legal width between the boundary lines of any public highway, as defined in RSA 229:1, and is not limited to the portion of that width which has been improved for public travel.

### **SIGN**

Includes any sign, signal, device, flag, marking, painting, spray painting or any other item or representation which contains writing, pictures, logos or other symbols which are intended to, or do, convey information to viewers. The term includes the sign surface, pole, post, supporting structures, anchoring or suspension lines, or any other thing appurtenant to or accessory to the conveyance of the information.

### § 152-32 **Prohibition.**

No person shall erect, place, leave, maintain, draw, paint or display any sign within or upon the right-of-way of any Class IV, V or VI public highway or sidewalk in the City of Lebanon, if said sign:

- A. Purports to be, or is an imitation of, or resembles any official traffic control device, sign or signal, or which hides from view or interferes with the effectiveness of any official sign, device or signal, or which attempts to direct the movement of traffic, or which otherwise in any respect violates RSA 265:14, I; or
- B. Contains any commercial advertising, in violation of RSA 265:14, II, or which is otherwise intended to, or does, convey any commercial message; or
- C. Announces, advertises, or attempts to induce the viewer's attendance at, or participation in, any event, transaction or service, whether commercial, personal, nonprofit or otherwise, which is occurring, or is expected in the future to be occurring, elsewhere; or
- D. Which, even if not falling within Subsection A, B or C above, is affixed, anchored or attached in any way to any structure within the right-of-way, including but not limited to light poles, curbing, retaining walls, utility poles or structures, signposts, or buildings, or which is drawn or painted upon, or otherwise is affixed to or defaces any such structure or any improved or unimproved surface within the right-of-way.

### § 152-33 **Removal.**

- A. City authorities, including employees of the Public Works and Police Departments, may, without notice, remove any sign which is in violation of § 152-32. If the sign is of a type which is capable of being removed without damage, it shall be stored for no less than 30 days at a location to be determined by the Director of Public Works, and shall be released to the owner only upon payment of a reasonable fee to offset the City's costs of removal, storage and accounting for the sign, and of restoration of the highway, sidewalk or right-of-way, such fee to be determined based upon the circumstances of each case by the Director of Public Works. If within the thirty-day period the sign is not claimed and released in accord with this subsection, then the sign may be disposed of by the

City.

- B. Alternatively, the Director of Public Works, or Chief of Police, or his or her designee may issue an order to the owner or violator, ordering him or her to completely remove the sign and restore the highway, sidewalk or right-of-way within a stated reasonable time, and failure to comply with such an order shall constitute a violation of this article, in addition to any violations of § **152-32** arising from the sign itself.

§ 152-34 **Exceptions.**

The following are excepted from the prohibition in this § **152-32**, above:

- ~~A. Political advertising, as defined in RSA 664:2, is permitted to be located on public highways if and only if in accordance with RSA 664:14 through RSA 664:17, and all other applicable laws or regulations.~~
- ~~B.A.~~ Any activity properly licensed by the City to take place on public highways, including street vendors under City of Lebanon Code Chapter **179**, street fairs under RSA 31:100, or parades licensed under RSA Ch. 286 may include signs relating to the licensed activity, to the extent permitted by the respective licensing authority.
- ~~C.B.~~ The prohibition in this article shall not apply to official signs and devices properly erected by agents of the City itself for purposes of directing and controlling traffic, or other valid public safety or welfare purpose.
- ~~D.C.~~ The prohibition in this article shall not apply to leaflets or placards held at all times by a human being, or to messages or information printed on clothing or other items worn by a human being, so long as said persons are not interfering with traffic and are not in violation of any other laws or ordinances.
- ~~E.D.~~ The prohibition in this article shall not apply to signs painted on or otherwise affixed to motor vehicles being operated upon public highways; provided, however, that vehicles which have commercial signs painted on or otherwise attached to them shall not remain or be parked for more than three hours at any one location on any public highway right-of-way in the City, unless said vehicle is being actively used at that location for some business purpose other than parking or advertising, including but not limited to loading, unloading or utility installation or repair, and is not in violation of any other laws or ordinances. The three-hour time restriction in this subsection shall be in addition to other restrictions such as those contained in City of Lebanon Code Chapter **168**.
- ~~F.E.~~ The prohibition in this article shall not apply to ~~sandwich board signs permitted under Section 608.5(G) of the Zoning Ordinance, which are located on public sidewalks in the Central Business District only, and are otherwise in conformity with that section and all other applicable ordinances and regulations, nor to promotional banners permitted under City of Lebanon Code Chapter 23~~Section 608.8 of the Zoning Ordinance which are explicitly permitted by the City Licensing Board.
- ~~G. The prohibition in this article shall not apply to signs which announce and give directions to yard sales which are in compliance with Section 207 of the Lebanon Zoning Ordinance; provided, however, that:~~
- ~~(1) No such sign shall exceed four square feet in area;~~
- ~~(2) There shall be no more than a total of three signs for any one yard sale;~~
- ~~(3) The date(s) of the yard sale shall be written on each sign;~~
- ~~(4) The exception in this subsection shall apply only upon the actual date of such a yard sale and the~~

~~date prior to the yard sale; and~~

~~(5) City authorities may remove or relocate any such sign which impedes traffic or visibility, or otherwise impairs the safety and convenience of the traveling public.~~

~~H.F.~~ The prohibition in this article shall not apply to non-commercial temporary ~~directional~~ signs advertising residential property for sale and located in the public right-of-way, provided that:

(1) The City Manager designates areas within the public right-of-way that are appropriate and safe for the display of temporary signs;

(2) A temporary sign permit is obtained from the Department of Public Works.

(3) Any such sign shall be no larger than six (6) square feet and shall be displayed for no longer than 30 days per calendar year.

The Department of Public Works may enact reasonable regulations to ensure the effective administration of this section.

~~There shall be no more than two directional signs placed at the nearest street intersections, in each direction, to the property for sale;~~

~~(2) Each sign shall not exceed four square feet in area;~~

~~(3) The signs shall be removed upon completion of the transaction; and~~

~~(4) City authorities may remove or relocate any such sign which impedes traffic or visibility, or otherwise impairs the safety and convenience of the traveling public.~~

#### **§ 152-35 Penalty and enforcement.**

Any person violating this article shall be guilty of a violation for each day or portion thereof during which a sign remains in a place or in a manner prohibited by this article. In addition, the violator shall be liable to the City in restitution for the City's costs of removal, storage of and accounting for the sign, and of restoring the highway, sidewalk or right-of-way. The City may, alternatively or in addition, apply to a court for equitable relief requiring the violator to remove the sign and restore the public highway, sidewalk or right-of-way.

#### **§ 152-36 State highways.**

The restrictions in this article shall also apply to state highways outside the urban compact areas of Lebanon, to any extent that the enforcement of such regulations, or of similar statutory restrictions, is validly delegated to the City by the NH Department of Transportation.